

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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Federal Communications Commission
Office of Secretary

In the Matter of)

Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

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To: The Commission

PETITION FOR RECONSIDERATION

University of New Hampshire d/b/a New Hampshire Public Television ("NHPT"), through its attorneys and pursuant to Section 1.106 of the Commission's rules, hereby files this Petition for Reconsideration in response to the Commission's Sixth Report and Order, released April 21, 1997 in the above-captioned proceeding which introduced the Digital Table of Allotments and related technical rules governing digital broadcast service. In support thereof the following is shown:

1. NHPT is licensee of public Stations WEKW-TV, Keene, New Hampshire, WENH-TV, Durham, New Hampshire, and WLED-TV, Littleton, New Hampshire. For many years, NHPT has provided a broad range of quality programming including news, public and cultural affairs and classical music to its audience. Through these efforts, NHPT has achieved a reputation for broad based community service and has developed the expertise to operate public telecommunications facilities in the public interest.

2. NHPT has carefully reviewed the Commission's above-referenced Sixth Report and Order on DTV. NHPT commends the Commission for the substantial work reflected in the Table and its recognition of the unique difficulties facing public television stations. NHPT specifically appreciates the efforts of the Commission to assign adjacent channels where possible. But, as shown below, NHPT is concerned with the

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particular problems posed by its multiple DTV assignments which fall outside the DTV core spectrum. Although NHPT strongly endorses the positions advanced in the Joint Petition for Reconsideration and Clarification filed by the Association of America's Public Television Stations (APTS) and the Public Broadcasting Service (PBS), it would like to place additional emphasis on an issue of particular concern to its digital allotments. Accordingly, NHPT requests the Commission to reconsider the allotments it has proposed for Stations WEKW-TV, WENH-TV, and WLED-TV.

3. NHPT Will Likely Need to Supplement this Petition. As a preliminary matter, NHPT submits that the complexity of DTV allotments, the lack of essential technical information, and the short time frame available to file petitions for reconsideration of the DTV Table make it impossible to analyze current digital assignments and explore acceptable alternatives. NHPT has found that the consulting engineering community cannot gear up to run the massive DTV computer program during this 30-day window for seeking reconsideration. In addition, OET Bulletin No. 69, setting forth interference criteria, has not yet been released. Engineers cannot fully evaluate problems with the current allotments and propose feasible solutions without full technical information. In short, the television licensee community cannot adequately analyze the Commission's complex proposal in time to offer concrete options. However, NHPT can identify its preliminary concerns with respect to its proposed allotments.

4. The conversion to digital broadcast service is a complex process and broadcasters should be afforded the time to analyze their assignments and investigate alternatives which will enable them to best serve their public. Accordingly, and consistent with the request of the Broadcasters' Caucus Petition filed today, NHPT requests that the Commission permit it to supplement this pleading with technical data within 90 days from the release of OET Bulletin No. 69. This supplemental filing period

would allow NHPT to work with its consulting engineers to further develop feasible solutions. This is clearly preferable to forcing prospective digital licensees to move forward without current and accurate information and submit proposals which turn out to be technically infeasible. That course would waste public time and money, and perhaps, delay the roll-out of digital broadcast service.

5. The initial DTV allotments for the NHPT stations include the following:

WENH-TV, Durham, NH, Channel *57

WEKW-TV, Keene, NH, Channel *49

WLED-TV, Littleton, NH, Channel *48

While the initial DTV allotments were made using Channels 2 to 51, the Commission has not made a decision as to whether the ultimate core spectrum will encompass Channels 2 to 46 or Channels 7 to 51. If channels 2 to 46 are designated as the core spectrum, all three of NHPT's digital allotments will fall outside the core. However, if Channels 7 to 51 are designated as the core spectrum, only the paired digital allotment for Station WENH-TV will fall outside the core. In any event, NHPT is faced with the prospect of financing two conversions for one, and possibly three, stations. The enormous expense that NHPT will incur for the initial conversion of three stations alone will place great strains on its current operating budgets. The possibility of financing two conversions for even one station is virtually impossible. Accordingly, and consistent with the APTS and PBS petition, NHPT requests that the Commission assign public television stations paired digital allotments between Channels 7 and 46. Operation on such channels will afford public television stations the assurances they need to plan for and raise the funds required for digital conversion. NHPT's three stations are located in relatively uncongested areas and preliminary engineering studies suggest that substitute core channels can be found within these markets.

6. Reconsideration. For most public stations, many decisions must be made in the most economically feasible directions from the start. It is unrealistic to expect public licensees to easily bear the economic burden imposed by the costs of the digital conversion due to their limited financial resources and small budgets, as compared to the larger operating budgets of commercial stations. For all of these reasons the Commission should make every effort to provide public television stations with assignments between Channels 7 and 46. Alternate proposals suggesting substitute channels cannot be provided at this time due to the lack of time and technical information as discussed above. Accordingly, NHPT requests that the Commission:

- (a) Reconsider the digital allotment paired to Stations WENH-TV, WEKW-TV, and WLED-TV, and assign substitute channels located with the core spectrum, as defined by the APTS/PBS petition.
- (b) Provide a period of 90 days from the release of OET Bulletin No. 69 to supplement this petition.

Respectfully submitted,

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